

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION,

FILED
11/15/2019 4:07 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
7390913

RONALD D. CLEMONS,
Plaintiff,

No: 2019L012680

vs.

DALTON LEVI AUXIER, JR.,
individually and as agent of RMT
TRANSPORT, INC., and RMT
TRANSPORT, INC., an Indiana
corporation.

Defendants.

COMPLAINT AT LAW

NOW COMES Plaintiff, RONALD D. CLEMONS, by his attorneys, ANKIN LAW OFFICE LLC, and complaining of Defendants, DALTON LEVI AUXIER, JR., (hereinafter referred to as "AUXIER"), and RMT TRANSPORT INC., an Indiana Corporation, (hereinafter referred to as "RMT TRANSPORT"), states as follows:

COUNT I
NEGLIGENCE

Ronald D. Clemons v. Dalton Levi Auxier, Jr., individually and as agent of
RMT Transport, Inc.

1. On and prior to November 22, 2017, Interstate 94 was a public roadway in the City of Chicago, County of Cook, State of Illinois.
2. On or about November 22, 2017, at approximately 11:39 pm., Plaintiff, RONALD D. CLEMONS, was operating a 2006 Nissan Armada southbound on Interstate 94 at or near West 26th Street in the City of Chicago, County of Cook, State of Illinois.
3. At the aforesaid time and place, Defendant, AUXIER, was operating a 2005 Peterbilt Truck southbound on Interstate 94 at or near West 26th Street in the City of Chicago,



County of Cook, State of Illinois.

4. At the aforesaid time and place Defendant, **AUXIER**, was an employee and/or agent of Defendant, **RMT TRANSPORT**.

5. At the aforesaid time and place, Defendant, **AUXIER**, owed the Plaintiff and others lawfully on the roads a duty to operate his motor vehicle safely and to exercise ordinary care so as to not negligently cause injury to those persons lawfully on the roadway to include Plaintiff herein, **RONALD D. CLEMONS**.

6. At the aforesaid time and place, Defendant, **AUXIER**, drove his automobile into the automobile being driven by Plaintiff, **RONALD D. CLEMONS**.

7. In breach of his duty of care, Defendant, **AUXIER**, as an employee and/or agent of Defendant, **RMT TRANSPORT**, was guilty of one or more of the following negligent acts and/or omissions:

- (a) operated, maintained and controlled his motor vehicle without keeping a sufficient look-out ahead for vehicles and persons on the roadway;
 - (b) operated, maintained and controlled his motor vehicle in violation of 625 ILCS 5/11 – 601(a);
 - (c) operated his motor vehicle at a speed which was greater than is reasonable and proper with regard to the traffic conditions;
 - (d) operated his motor vehicle too closely than was reasonable and prudent;
 - (e) failed to keep his automobile under control at all times;
 - (f) failed to slow or stop his automobile to avoid colliding with the automobile being driven by Plaintiff, **RONALD D. CLEMONS**;
 - (g) was otherwise careless and negligent.
8. As a direct and proximate result of one or more of the foregoing negligent acts or

omissions of Defendant, **AUXIER**, Plaintiff, **RONALD D. CLEMONS**, sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be healed and cured of his maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering; and was deprived of earnings to which he might have otherwise been entitled.

WHEREFORE, Plaintiff, **RONALD D. CLEMONS**, prays for judgment against Defendant, **DALTON LEVI AUXIER, JR.**, in such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for his injuries, losses and damages as herein above alleged, costs of suit, and any further relief which this Honorable Court finds fair and just.

COUNT II
NEGLIGENCE/RESPONDEAT SUPERIOR
Ronald D. Clemons v. RMT Transport, Inc., an Indiana Corporation

1-7. Plaintiff, **RONALD D. CLEMONS**, repeats and realleges numbers 1-6 of Count I herein.

8. At the aforesaid time and place, Defendant, **AUXIER**, was operating a 2005 Peterbilt Truck in the course and scope of his employment for Defendant, **RMT TRANSPORT**.

9. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of Defendant, **AUXIER**, acting within the scope of his employment for Defendant, **RMT TRANSPORT**, per Respondent Superior, Plaintiff, **RONALD D. CLEMONS**, sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be healed and cured of his maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and

mental suffering; and was deprived of earnings to which he might have otherwise been entitled.

WHEREFORE, Plaintiff, **RONALD D. CLEMONS**, prays for judgment against Defendant, **RMT TRANSPORT**, in such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for exceeds injuries, losses and damages as herein above alleged, costs of suit, and any further relief which this Honorable Court finds fair and just.

ANKIN LAW OFFICE LLC



Matthew C. Friedman
Attorney for Plaintiff

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RULE 222(B) AFFIDAVIT

I, MATTHEW FRIEDMAN, being first duly sworn on oath, depose and state that the
amount of damages sought in the above-captioned cause of action exceeds \$50,000.00
for the Plaintiff.

By: 

Attorney for Plaintiff

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